

PATENT  
Attorney Docket No. 3309

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Daniel M. Bartell

Serial No: 09/737,536

Filing Date: December 13, 2000

Title: Systems and Computer Software  
Products for Comparing Microarray Spot  
Intensities

Examiner: Marschel, Ardin

Art Unit No.: 1631

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**NOV 10 2003**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313 - 1450

**RESPONSE TO RESTRICTION REQUIREMENT**

Sir:

In response to the September 30, 2003 Restriction Requirement, the Examiner is requiring an election between the following groups of claims:

- I. Claims 1-31; drawn to a method, computer software product, and system wherein a plurality of intensity values for the first and second microarray spots are analyzed via a Wilcoxon' rank sum test with a  $\theta = 0$  null hypothesis and an alternative hypothesis where  $\theta < 0$  to indicate whether the first spot is different from the second spot, classified in class 702, subclass 19.
- II. Claims 32-52; drawn to a method, computer software product, and system wherein a plurality of perfect match (PM) and mismatch (MM) pixel intensity values for a transcript are analyzed via a Wilcoxon' rank sum test with a null hypothesis that  $PM - MM = a$  threshold and an alternative whether a transcript is present, classified in class 702, subclass 19.

Applicants have also been requested to elect a Specie Requirement:

Specie A: methods etc. wherein spots or pixels are analyzed for purposes other than for nucleic acid probe comparison.

PATENT  
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Specie B: methods etc. wherein spots or pixels are analyzed for nucleic acid probe comparison.

Applicants elect the invention of Group I (claims 1-31) and Specie B. Applicants reserve the right to re-present non-elected claims in a divisional or other related application.

The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account 01-0431.

Respectfully submitted,

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